

SERENA M. WARNER, S.B. No. 264799

Email: swarner@akk-law.com

ETHAN J. ZERTUCHA SB No. 340223

Email: ezertucha@akk-law.com

ANGELO, KILDAY & KILDUFF, LLP

Attorneys at Law

601 University Avenue, Suite 150

Sacramento, CA 95825

Telephone: (916) 564-6100

Telecopier: (916) 564-6263

Attorneys for Defendants CITY OF SACRAMENTO, BRIAN BRUST, AND DAVID LAUCHNER

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WARIS GILDERSLEEVE,

Plaintiff,

vs.

CITY OF SACRAMENTO, et al.,

Defendants.

) Case No.: 2:22-cv-02145-JAM-AC

)
) **DECLARATION OF JOSH CALISTA IN**
) **SUPPORT OF DEFENDANTS'**
) **MOTIONS FOR SUMMARY JUDGMENT**

) **DATE: June 17, 2025**
) **TIME: 1:00pm**
) **ROOM: 6**

I, JOSH CALISTA, declare as follows:

1. I am the Assistant Chief of Training for the City of Sacramento Fire Department. I have worked for the Sacramento Fire Department since 2021 and have held my current position since approximately 2023. As Assistant Chief of Training, I facilitate the Training Division, which delivers professional training programs that prioritize safety and provide firefighters with the skills, instincts, and leadership to operate on emergency incidents at the highest level. My responsibilities include implementation and oversight of the training provided to our Department's probationary firefighters. If asked, could competently testify to the following based on personal

1 knowledge.

2 2. After leaving the Academy, probationary firefighters are assigned to different
3 stations within the Sacramento Fire Department on a rotating basis. The purpose of the different
4 assignments is to enable the probationary firefighters a variety of experiences and the opportunity
5 to train with different companies, so they can learn to work under different situations and with
6 different of people. The station captains are tasked with tracking the performance of the
7 probationary firefighters in Performance and Conduct Rating sheets, which rate the probationary
8 firefighter's performance for each day worked on a scale of S – Satisfactory, I – Improvement
9 needed, or U – Unsatisfactory. The captains are also tasked with completing Daily Performance
10 Narrative Records that provide detail and support for the ratings in the Performance and Conduct
11 Rating sheets.

12 3. To promote to a permanent firefighter position, a probationary firefighter must
13 complete the skills listed in the Probationary Firefighter Task Book satisfactorily within the
14 probationary period and meet other departmental requirements specified in the probationary
15 packet. A captain or other company officer may only sign off on a skill in the Task Book if the
16 probationary firefighter meets the approved standards for the particular skill.

17 4. It is expected that a probationary firefighter will struggle with certain skills and
18 may receive some unfavorable ratings in the Performance and Conduct Rating sheets and
19 unfavorable comments in the Daily Performance Narrative Records, particularly in the beginning
20 of the probationary period. The existence of "Needs Improvement" or "Unsatisfactory" ratings in
21 the Performance and Conduct Rating sheets or unfavorable comments in the Daily Performance
22 Narrative Records does not impact a probationary firefighter's ability to pass probation, so long as
23 at the end of the probationary period he or she has been able to overcome those challenges and
24 satisfactorily meet the approved standards for all skills listed in the Task Book. The purpose of the
25 Performance and Conduct Rating sheets and Daily Performance Narrative Records is to be able to
26 track a probationary firefighter's progress through the program and communicate with other
27 Company Officers and the Training Officers about what training is needed for the probationary
28 firefighter to be successful.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct.

3 Executed this 14th day of April 2025 at Sacramento, California.

4 *Joshua Calista*

5 JOSH CALISTA